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13 *and TRUEBLUE, INC., Washington corporations*

14
15 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

16 DANIEL JOSEPH, an individual on behalf of
17 himself and all others similarly situated,

18 Plaintiff,

19 v.

20 TRUEBLUE, INC. d/b/a LABOR READY,
21 INC., and TRUEBLUE, INC., Washington
22 corporations,

23 Defendants.

No. 2:14-cv-00316

DECLARATION OF TODD
GILMAN IN SUPPORT OF
MOTION TO TRANSFER
VENUE

1 I, Todd Gilman, declare as follows:

2 1. I am over 18 years of age and make this declaration based on personal
3 knowledge and, if sworn as a witness, I could and would testify competently to the facts
4 contained herein.

5 2. I am the Deputy General Counsel of Defendant TrueBlue, Inc. ("TrueBlue"). I
6 have held this role since May 2010 and work out of TrueBlue's headquarters in Tacoma,
7 Washington.

8 3. TrueBlue is a leading provider of staffing solutions for a wide variety of
9 customers across the country. TrueBlue is in the business of matching individuals seeking
10 employment with customers who need employees on both a short-term and long-term basis.

11 4. Last year, TrueBlue helped match over 350,000 out-of-work or under-
12 employed individuals with job opportunities.

13 5. TrueBlue is headquartered in Tacoma, Washington at 1015 A Street, Tacoma,
14 Washington 98401, and has been headquartered in Tacoma since 1995.

15 6. Labor Ready Midwest, Inc. ("Labor Ready Midwest") is a wholly-owned
16 subsidiary of TrueBlue, and specializes in blue collar on-demand labor needs for a variety of
17 businesses. Labor Ready Midwest is incorporated in Washington State; however, it does not
18 do business in Washington state. Labor Ready Midwest does not have employees in
19 Washington State, does not conduct any marketing in Washington State, and does not even
20 have a license to do business in Washington State. Labor Ready Midwest does business in
21 several Midwestern states, including specifically Minnesota, where, according to our records,
22 Plaintiff performed 100 percent of his work.

23 7. Although Labor Ready Midwest does not do business in Washington, its text
messaging dispatch program (which lets workers who opt-in know of jobs that may be a
match to their skills) is run out of TrueBlue's Tacoma, Washington headquarters.

1 8. In my role as Deputy General Counsel, I am generally familiar with the various
2 policies and procedures related to obtaining employee consent to receive alerts regarding
3 these potential job opportunities ("Job Alerts") by use of the internal Work Alert Software
4 program.

5 9. I am also familiar with and have confirmed TrueBlue/Labor Ready's policies,
6 procedures, and records related to removing employees who opt-out of receiving Job Alerts
7 by text message.

8 10. Further, I am familiar with the TrueBlue/Labor Ready personnel who are
9 responsible for implementing these policies and procedures as part of their job duties and who
10 would, therefore, have the most relevant knowledge regarding how these policies and
11 procedures were implemented with respect to plaintiff Daniel Joseph and in general.

12 11. These employees also would have important knowledge and information
13 regarding the nature of the systems used to send text messages (a key factor in the pending
14 TCPA claim), the steps the software takes to transmit the messages, the steps and amount of
15 human interaction required to send the messages, as well as the safeguards needed to ensure
16 express consent is obtained prior to transmission, and respected if withdrawn.

17 12. These employees are located in Tacoma, Washington and include myself, Eric
18 Del Los Santos, Director of Employment Law, Jim Harrer, Sr. Director of Application
19 Development, Carolyn Ascherman, Product Owner for the Work Alert system, various other
20 IT employees, as well as potentially employees in the training and communication department
21 that worked on the compliance training concerning the Job Alert program.

22 13. In addition, any corporate representative or speaking agent would also be
23 located in Tacoma, Washington, or potentially in Minnesota depending on the issue
designated by Plaintiff.

 14. Moreover, my team, as well as others located in Tacoma, Washington are
responsible for drafting the language regarding the arbitration provisions signed by Plaintiff.

1 This arbitration agreement would have been executed by the branch staff in Minnesota. No
2 aspect of the creation or drafting or execution of the arbitration agreement signed by Plaintiff
3 would have occurred in Spokane, Washington.

4 15. Labor Ready Midwest, the entity that employed Plaintiff, did not perform any
5 work in Spokane, Washington, none of the systems that sent a text message to Plaintiff are
6 located in Spokane, and no employee who has any information regarding this case is located
7 in Spokane. Moreover, I am not aware of any documents which would be stored in Spokane,
8 Washington that are relevant to this case.

9 16. Further, various records related to Daniel Joseph's employment with Labor
10 Ready Midwest, Inc. have been reviewed in detail.

11 17. According to those records, Daniel Joseph applied to work out of the Labor
12 Ready Midwest, Inc. branch in Little Canada, Minnesota on December 10, 2013.

13 18. According to Labor Ready's records Daniel Joseph worked for Labor Ready
14 Midwest on three occasions between December 14, 2013 to January 3, 2014. On each of
15 these occasions, Mr. Joseph performed work in Minnesota.

16 19. Daniel Joseph provided Labor Ready with a cellular telephone number to
17 receive Job Alerts via text message. This cellular telephone number begins with a 917 area
18 code which is the area code for all of the five boroughs of New York City
(Brooklyn, Manhattan, Queens, Staten Island, and the Bronx). To the best of my knowledge,
19 Daniel Joseph never resided in or received any Job Alerts from Labor Ready in Spokane or
20 the State of Washington during the time period from December of 2013 through May of 2014.

21 20. Job Alerts are always sent from TrueBlue's headquarters in Tacoma,
22 Washington, after being initiated by multiple steps of human intervention—none of which
23 occurs in Spokane, Washington.

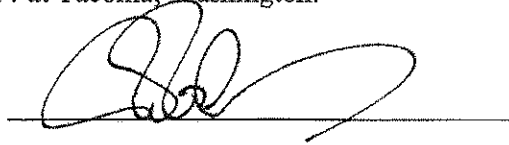
21 21. TrueBlue's offices in Tacoma, Washington are approximately 292 miles from
22 the location of the courthouse for the United States District Court for the Eastern District of
23

1 Washington in Spokane, Washington at 920 West Riverside Ave, Room 840, Spokane,
2 Washington 99201. It would take approximately four and a half hours to drive this distance.

3 22. This would be extremely inconvenient as it would result in the loss of an entire
4 work day, and could require an overnight stay in Spokane on each occasion on which the
5 attendance of any TrueBlue or Labor Ready personnel would be required for any proceedings.

6 I declare under penalty of perjury under the laws of the State of Washington
7 that the foregoing is true and correct.

8 Executed this 23 day of October, 2014 at Tacoma, Washington.

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10 Todd Gilman

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CERTIFICATE OF SERVICE

I hereby certify that I have this 23rd day of October, 2014, served a true and correct copy of the foregoing document, via the methods noted below, properly addressed as follows:

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____ Overnight Mail
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 X ECF

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 23rd day of October, 2014, at Tacoma, Washington.

/s/ Maxine Nofsinger
Maxine Nofsinger

GILMAN DECLARATION
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